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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,483	06/19/2003	Marc Benkert	03292.200460.1	6330
	7590 12/15/200 CELLA (AMEX)		EXAMINER	
1290 Avenue of	f the Americas		GOTTSCHALK, MARTIN A	
NEW YORK, NY 10104-3800			ART UNIT	PAPER NUMBER
			3696	
			MAIL DATE	DELIVERY MODE
			12/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/600,483	BENKERT ET AL.	
Examiner	Art Unit	

The MAIL IND DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 03 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abendonment of this application, applicant must timely file one of the following replies: (1) an americanent, affadavit, or other evidence, which places he is not prior to the control of the prior of the following time of the period for reply exprises on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply exprise on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply exprise on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period of the final SM MONTHS from the mailing date of this replection of the final SM MONTHS from the mailing date of the final rejection, which were the set forth to the final rejection, but the petition under 37 CFR 1.13(4), and the appropriate extension fee world of the final rejection, but the statutory period of to reply organity set in the intal rejection, but were a final discountered to the shorthed statutory period for reply organity set in the intal rejection, and any reduce any assembly administration of the shorthed statutory period for reply organity set in the intal rejection, and any reduce any assembly administration of the shorthed status of the reality file. 1. The Notice of Appeal (37 CFR 4.1.37(MARTIN A. GOTTSCHALK	3696	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidative, or other evidence, with places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: □ The period for reply expires	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress
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a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examenre Nater if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See NIPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. The proposed amendment (s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or	 The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following r application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C 	the same day as filing a Notice of <i>n</i> eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the .The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l)	dvisory Action, or (2) the date set forth ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: proposed amendments regires further search. (See 37 CFR 1.116 and 41.33(a)). 1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extrunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the siset forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	on which the petition under 37 CFR 1.1 ension and the corresponding amount on the ortened statutory period for reply origi	of the fee. The appropria nally set in the final Offic	ate extension fee e action; or (2) as
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7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-4 and 9-23. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowed. 	·		,
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